



SD VETERINARY MEDICAL EXAMINING BOARD

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South Dakota State Board of Veterinary Medical Examiners

Complaints

- Q: How do I file a complaint with the Board concerning the activities of a veterinary, veterinary technician or the practice of veterinary medicine by an unlicensed person?
- A: Complaints or concerns with respect to the actions of a veterinarian, veterinary technician or an unlicensed person who is treating or caring for animals can be filed with the Board. Complaints should be in writing, however oral complaints will be considered. The complaint needs to contain a brief explanation of the legal or ethical violation you believe was committed. A written complaint must be signed and the Board must have an address and telephone number where you may be contacted.

COMPLAINTS PROCEDURE USED BY THE BOARD AFTER A COMPLAINT HAS BEEN RECEIVED.

Investigative Action

1. The Board's Executive Secretary will receive the complaint. The Executive Secretary will maintain records of each complaint including: (a) the name, home address, and telephone number of the person against whom the complaint was made; (b) the name, address, and telephone number of the complainant; (c) the date of the complaint; and (d) a brief statement of the complaint.
2. The Executive Secretary shall cause a letter to be sent to the person(s) against whom the complaint was made which: (a) acknowledges receipt of the complaint; (b) informs the complainant that the allegations will be investigated and requests information concerning the complaint; and (c) informs the complainant that disposition on the complaint will be reported to the complainant.

3. The Board shall cause a preliminary investigation of all complaints to be conducted. The Executive Secretary or his designee will contact the person against whom the complaint was made by letter. The letter will inform the veterinarian or veterinary technician that the Board has received a complaint and inform them of the substance of the complaint.
4. After conducting a preliminary investigation, the Board will determine whether a hearing is warranted, the complaint should be dismissed for lack of sufficient evidence, or the matter should be resolved by an agreed disposition.

- (a) A Hearing is Warranted. If the Executive Secretary finds that there is reason to believe that the veterinarian or veterinary technician has violated any of the provisions of SDCL Chapter 36-12 or ARSD, then the Executive Secretary must submit to the full Board, during a closed meeting if the information to be presented is derogatory pursuant to SDCL 1-26-2, reasons and a recommendation for pursuing the matter at a hearing.

If the Board agrees, by majority vote of members present, with any recommendation made, the President of the Board, or the President's designee, shall promptly notify legal counsel for the Board of the Board's decision to commence a contested case hearing proceeding.

The Notice of Hearing shall be prepared, pursuant to SDCL ch. 1-26, by legal counsel for the Board, signed by the President. Noticing the matter for hearing does not preclude a subsequent Agreed Disposition.

- (b) Dismissal for Lack of Sufficient Evidence. If the Board believes that the complaint should be dismissed for lack of sufficient evidence, then the Executive Secretary must submit to the Board, during a closed meeting if the information to be presented is derogatory pursuant to SDCL 1-26-2, reasons and a recommendation for the dismissal.

If the Board agrees, by majority vote of members present, with the recommendation, the President of the Board or his designee shall promptly send a dismissal letter to the complainant and veterinary or veterinary technician.